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Compliance with Protocol obligations

Thirteenth report of the Implementation Committee¹

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¹ In accordance with Executive Body decision 1992/2 (ECE/EB.AIR/68, annex III, appendix V).

I. Introduction

1. At its twenty-sixth and twenty-seventh sessions, the Executive Body for the Convention on Long-range Transboundary Air Pollution elected the following members to the Convention's Implementation Committee: Mr. Peter Meulepas (Belgium, Chairman), Mr. Ivan Angelov (Bulgaria), Mr. Marcus Schroeder (Germany), Ms. Anneli Karjalainen (Finland), Ms. Marta Munoz Cuesta (Spain), Mr. Larsolov Olsson (Sweden), Mr. Stephan Michel (Switzerland), Mrs. Clare Hamilton (United Kingdom of Great Britain and Northern Ireland) and Mr. David Buchholz (United States of America).

2. The Implementation Committee held two sessions in 2010. Its twenty-fifth session was held from 27 to 29 April in Sofia, and its twenty-sixth session was held from 21 to 23 September in Geneva. A representative of the Convention secretariat participated in both sessions.

II. Submissions and referrals concerning compliance by Parties with their protocol obligations

A. Follow-up to Executive Body decisions 2009/6, 2009/7, 2009/8, 2009/9 and 2009/10

3. Based on recommendations made by the Implementation Committee in its twelfth report (ECE/EB.AIR/2009/3), at its twenty-seventh session the Executive Body adopted decisions concerning compliance by Cyprus, Denmark, Greece and Spain.

4. Details of the correspondence between the secretariat and the above countries on the follow-up to the Executive Body decisions are available in informal document 1. The responses received by the secretariat were transmitted to the Implementation Committee to inform its deliberations.

1. Follow-up to decision 2009/6 on compliance by Greece with the Protocol on Nitrogen Oxides² (ref. 2/02)

Background

5. In decision 2009/6, the Executive Body had requested the Committee to review the progress and timetable of Greece for achieving compliance with article 2.1 of the Protocol on Nitrogen Oxides (NO_x). The secretariat informed the Committee that it had sent a letter to the Ambassador of Greece in Geneva, drawing his attention to the decision. The matter had also been brought to the attention of Greece's Minister of Foreign Affairs and Greece's Minister of Environment. The secretariat had not received a response.

6. At its twenty-fifth session in April 2010, the Committee had expressed its regret at the lack of response by Greece. It had carefully considered the presentation made by the delegation of Greece in accordance with paragraph 6 of decision 2005/4 at the twenty-seventh session of the Executive Body (14–18 December 2009). The Committee had elaborated terms of reference in anticipation of an invitation for an information-gathering mission to Greece in accordance with paragraph 8 of decision 2009/6 and paragraph 6 (b)

² 1988 Protocol Concerning the Control of Nitrogen Oxides or Their Transboundary Fluxes.

of decision 2006/2. The secretariat had further written to Greece informing it about the deliberations of the Committee at its twenty-fifth session. Greece had subsequently invited the Committee to carry out such a mission in November 2010.

Consideration

7. The Implementation Committee was grateful to Greece for its invitation to the Committee for the information-gathering mission, scheduled on 3 and 4 November 2010. The Committee noted that the information gathered during that mission would not be available in time for it to take it into account in its recommendation to the Executive Body at its twenty-eighth session.

8. The Committee further noted that the presentation made by the delegation of Greece at the twenty-seventh session of the Executive Body in December 2009 had not provided new information or data compared to Greece's reporting to the Committee in 2009 that would change the Committee's conclusions in paragraphs 6 and 7 of its twelfth report (ECE/EB.AIR/2009/3).

2. Follow-up to decision 2009/7 on compliance by Spain with the Protocol on Nitrogen Oxides (ref. 4/02)

Background

9. In its decision 2009/7, the Executive Body had requested the Implementation Committee to review Spain's progress and timetable for achieving compliance with its obligations with article 2.1 of the Protocol on NO_x. The secretariat had informed the Committee that it had communicated the decision to Spain and had received a progress report in response to its letter. The secretariat had further requested additional information on issues raised by the Committee at its twenty-fifth session, which Spain had provided.

Consideration

10. The Committee was grateful to Spain for its timely written submission and its reply to the follow-up questions, and carefully considered the information provided. The Committee noted that Spain was at this time expecting compliance by 2009, which was one year sooner than according to last year's reported projections and eight years sooner than according to the reported projections of two years ago. It noted that that acceleration in expectations to achieve compliance had mainly been accomplished by revisions of the NO_x emission inventory, in particular by methodological improvements for estimating NO_x emission from the road transport sector and stationary engines. However, a change in the energy mix for power generation and the economic recession had also recently caused NO_x emissions to go down. Spain estimated that the Strategy on Sustainable Mobility adopted in 2009 would further reduce NO_x emissions by 40 kt in 2010.

11. Although the Committee was pleased to see that the expected year of compliance had been advanced to 2009 and that the exceeding of the NO_x target had already gone down from 36 per cent in 2007 to 5 per cent in 2008, it remained concerned whether such expected compliance would continue since some of the improvement was caused by the economic recession and might only be temporary. The Committee therefore believed that additional reduction measures would still be necessary to guarantee that Spain would remain in compliance after the possible achievement of its NO_x target in 2009. In that respect, Spain had already indicated that the methodologies for estimating the NO_x emission from civil aviation and mobile machinery were being revised, which could possibly result in further significant reductions of the present NO_x emission estimates.

12. The Committee emphasized once again that the considerable economic growth and increase in population and energy consumption since 1990 to which Spain continued to refer were not valid reasons for non-compliance.

13. Following-up on decisions 2008/4 and 2009/7, the Committee remained committed to discussing and proposing stronger measures should it become clear that Spain's long-lasting non-compliance with its obligations under the NO_x Protocol would not be resolved in the very near future.

3. Follow-up to Executive Body decision 2009/8 on compliance by Spain with the Protocol on Volatile Organic Compounds³ (ref. 6/02)

Background

14. In its decision 2009/8, the Executive Body had requested the Implementation Committee to review Spain's progress and timetable for achieving compliance with article 2.2 (a) of the Protocol on Volatile Organic Compounds (VOCs). The secretariat had informed the Committee that it had communicated the decision to Spain and had received a progress report in response to its letter. The secretariat had further requested additional information on issues raised by the Committee at its twenty-fifth session, which Spain had provided.

Consideration

15. The Committee was grateful to Spain for its timely written submission and its reply to the follow-up questions, and carefully considered the information provided. The Committee noted once more and with great concern that Spain still did not expect to achieve compliance before 2020, by which time Spain would be in non-compliance for more than 20 years.

16. Although the Committee noted an improvement in the exceeding of the VOCs target, which had been reduced from 37 per cent in 2007 to 23 per cent in 2008, mainly owing to revisions of the methodologies to estimate VOCs emissions from the road transport sector and stationary engines and to a lesser extent to the economic recession, it remained highly concerned by the fact that the latest projections provided by Spain still showed a gradual increase in total emissions after 2010, which would worsen the non-compliance situation again.

17. The Committee strongly regretted that almost no additional measures were envisaged in the submitted information to bend that increase downwards and to accelerate the achievement of compliance. The Committee concluded that substantial additional measures were urgently required to reduce the expected period of non-compliance and to remain in compliance after reaching it. Although Spain envisaged further revisions of its emission inventory for VOC (inter alia on the use of solvents and on petrol storage, handling and distribution), which might identify possibilities for further reductions of the present VOC emission estimates, the Committee was convinced that that alone would not be sufficient to bring Spain soon into compliance.

18. The Committee emphasized once again that the considerable economic growth and increase in population and energy consumption since 1990 to which Spain continued to refer were not valid reasons for non-compliance.

³ The 1991 Geneva Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes.

19. Following-up on decisions 2008/5 and 2009/8, and based on the fact that Spain had made insufficient progress during past year to bring the country into compliance, as well as considering its predicted long-lasting period of further non-compliance, the Committee remained committed to the stronger measures recommended and decided by the Executive Body last year. The Committee noted that the assignments of the Executive Secretary to that effect had not been carried out by the time of its twenty-sixth session.

4. Follow-up to Executive Body decision 2009/9 on compliance by Denmark with the 1998 Protocol on Persistent Organic Pollutants (ref. 1/06)

Background

20. In its decision 2009/9, the Executive Body requested the Implementation Committee to review Denmark's progress and timetable for achieving compliance with article 3.5 (a) of the Protocol on Persistent Organic Pollutants (POPs). The secretariat had informed the Committee that it had communicated the decision to Denmark and had received a written report in response to its letter. The secretariat had further requested additional information on issues raised by the Committee at its twenty-fifth session, to which Denmark had responded.

Consideration

21. The Committee was grateful to Denmark for its timely written submissions and its reply to the follow-up questions and carefully considered the information provided. The Committee noted that the latest officially submitted emission data showed that polycyclic aromatic hydrocarbons (PAHs) emissions in Denmark in 2008 showed an increase of 141 per cent from the reported base year emissions.

22. Denmark explained that the increase in PAH emissions was due to the increased use of biomass in residential boilers and stoves, necessitated by efforts to combat climate change and the relatively high price for electrical heating and fossil fuels. At the same time, Denmark indicated that it expected a reduction of PAH emissions of 9 tons by 2020 (instead of 5 tons as previously estimated) as a result of its implementation of new environmental standards in a Statutory Order from 2007 (regulating air pollution from wood burners and boilers and certain fixed energy-producing installations) and the better-than-expected performance of new stoves and boilers.

23. The Committee considered carefully the request by Denmark that it should be exempt from its PAH emissions obligations under article 3.7 of the Protocol based on its application of best available techniques (BAT) pursuant to article 3.5 (b) (i) and (iii). Denmark provided the Committee with a table showing how the BAT measures described in annex V, section V, of the Protocol on POPs for residential wood combustion had been taken into account.

24. The Committee, however, was not convinced that article 3.7 of the Protocol on POPs was applicable to Denmark. Although Denmark had shown that it had applied several BAT, the Committee was not convinced that all BAT had been fully applied. Denmark had been considering and promising application of measures beyond those already taken, including measures that could constitute current BAT (such as replacement of old stoves), for several years. Denmark had expected application of its Action Plan on Air Pollution in May 2009 and then autumn 2009. More recently, Denmark had reported that that Action Plan had been replaced by a "more focused and ambitious strategy" that was pending ministerial approval and was expected to be published in 2011, but as of yet no details had been provided on the Action Plan or its replacement strategy.

25. The Committee therefore considered that Denmark should provide information on the possible further reduction measures and the impact and timetable of those measures as they became available, and at the latest by 31 March 2011. The Committee further noted that if Denmark wished to make a case for exemption under article 3.7 next year, it should take note of Executive Body Decision 2009/4, which outlined new BAT guidance.

5. Follow-up to Executive Body decision 2009/10 on compliance by Cyprus with the Protocol on Nitrogen Oxides (ref. 1/08)

Background

26. In its decision 2009/10, the Executive Body had requested the Implementation Committee to review the progress and timetable of Cyprus for achieving compliance with article 2.1. of the NO_x Protocol. The secretariat had informed the Committee that it had communicated the decision to Cyprus and that it had received a written report in response to its letter. The secretariat had further requested additional information on issues raised by the Committee at its twenty-fifth session, which Cyprus had provided.

Consideration

27. The Committee was grateful to Cyprus for its written submission and its reply to the follow-up questions and carefully considered the information provided. The Committee noted that Cyprus was now expecting compliance by 2014, which was one year later than its previous estimate in 2009. The Committee further noted with concern that the latest recalculations by Cyprus had resulted in a wider gap between the base year and current emissions. The Committee welcomed the planned measures for the power plant sector and the road transport sector, but regretted that no additional measures were envisaged to speed up compliance and even felt that the envisaged measures would not be sufficient to reach compliance by 2014. It also regretted the lack of detail and the inconsistencies in the information provided, in particular the lack of detail in the projected effects of the envisaged measures for the road transport.

6. Recommendations to the Executive Body

28. On the basis of the above considerations (outlined in sections 1 to 5), the Committee recommends that the Executive Body adopt the draft decisions contained in document ECE/EB.AIR/2010/6.

B. Referrals by the secretariat

29. Acting under paragraph 5 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2), the secretariat made the following referrals to the Implementation Committee (outlined in sections 1 to 8 below).

1. Referral concerning compliance by Cyprus with the Protocol on Heavy Metals (cadmium) (ref. 1/10)

Background

30. According to the latest submission of emission data that the secretariat had received from Cyprus, emissions of cadmium in Cyprus in 2008 had been 81.89 kg, which was above the 48.98 kg that had been reported as emissions for the base year 1990. Reported emission levels for the period 2005–2007 had also been above the 1990 level (see table 1 below).

Table 1
Emissions of cadmium for 1990 and 2005–2008, in kilograms

Country	1990	2005	2006	2007	2008
Cyprus	48.98	81.60	78.65	79.10	81.89

31. The secretariat had informed Cyprus about its intention to refer the issue to the Implementation Committee and of the opportunity to provide a response, which Cyprus had done. In a subsequent letter, the secretariat had informed Cyprus about the referral of its case, indicating that the issue would be on the agenda of the twenty-fifth session of the Implementation Committee. As a response to the follow-up questions, Cyprus had provided further information.

Consideration

32. The Committee was grateful to Cyprus for its written submission and its reply to the follow-up questions, and carefully considered the information provided. Based on that information the Committee concluded that Cyprus was in non-compliance with its obligation under article 3.1 of the Protocol on Heavy Metals.

33. The Committee took note of the envisaged measures presented by Cyprus, but was of the view that they were partial and would not be sufficient to achieve compliance with its obligation under the Heavy Metals Protocol for several more years. The Committee noted that Cyprus predicted that investment in power production would cause emissions to go down. Installations of electrostatic precipitators (ESP) in 2009 and later transfer to liquefied petroleum gas (LPG) fuel was expected to bring Cyprus in compliance by 2014. The Committee was concerned to see that Cyprus did not expect to reduce its emissions below the required baseline level until 2014 and regretted that no additional measures were envisaged to speed up its compliance. The Committee expressed its desire to see further improvements on its measures, projections and timetable.

2. Referrals concerning compliance with the Protocol on POPs by Croatia (ref. 7/10), Estonia (ref. 2/10), Germany (ref. 5/10), Italy (ref. 10/10) and Latvia (refs. 3/10 and 11/10)

Background

34. The latest official submissions from Croatia, Estonia, Germany, Italy and Latvia concerning emissions of hexachlorobenzene (HCB) (in kg) for the base year 1990 or 1995 and for the period 2004–2008 showed the results set out in table 2 below.

Table 2
Emissions of hexachlorobenzene, in kilograms

Country	1990	1995	2004	2005	2006	2007	2008
Croatia	0.00025		n/a	n/a	n/a	n/a	0.0015
Estonia		0.12	n/a	n/a	0.12	0.13	0.15
Germany	1.60		1.91	1.86	1.93	1.93	1.93
Italy	0.02		n/a	n/a	n/a	0.03	0.03
Latvia	0.19		n/a	n/a	0.33	0.33	0.29

35. Similarly, Italy and Latvia reported on emissions of PAH (in Mg) for the base year 1990 and for the period 2004–2008, as contained in table 3 below.

Table 3
Emissions of PAH, in milligrams

Country	1990	2004	2005	2006	2007	2008
Italy	103	n/a	n/a	n/a	155.2	156
Latvia	26.4	n/a	n/a	28.9	28.0	27.4

36. Latvia reported emissions of dioxins/furans (in g) for the base year 1990 and for the period 2004-2008 as set out in table 4 below.

Table 4
Emissions of dioxins/furans, in grams

Country	1990	2004	2005	2006	2007	2008
Latvia	26.74	n/a	n/a	29.97	29.51	28.04

37. The information provided in the preceding tables 1 through 4 suggested that the countries concerned were in non-compliance with their obligation under article 3.5 (a) of the Protocol.

38. The secretariat had informed each country about its intention to refer the issue to the Implementation Committee, and of the opportunity to provide a response, which each country did. In subsequent letters, the secretariat had informed each country about the referral of its case, indicating that the issue would be on the agenda of the Implementation Committee.

Consideration

39. The Committee carefully and individually considered each of the secretariat's referrals, as well as the information provided by each country. During this consideration, it became clear that those referrals shared significant common elements such that the Committee felt it appropriate to address them together at this stage of the procedure(s).

40. In four of the cases (Estonia, Germany, Italy and Latvia), estimates of increased emissions were largely or exclusively attributed to the increasing use of wood in residential combustion. The Committee discussed the fact that it was difficult to accurately measure emissions from residential combustion. The emissions estimates provided by each of the countries relied on emissions factors such as those found in the EMEP/EEA Air Pollutant Emission Inventory Guidebook (the Guidebook)⁴. The Guidebook did not distinguish among types of combustion equipment, but rather recommended an activity-based factor under which emissions were dependent only on the quantity of burned fuel. Thus, as countries increased the use of wood in residential combustion, consistent with efforts to reduce greenhouse gas emissions, their figures for POPs emissions had increased as well, regardless of measures already taken to reduce or eliminate such emissions.

41. Other concerns were raised as well about the accuracy of emissions factors. Croatia had used the Guidebook-recommended emissions factor for HCB emissions from industrial waste incineration but had noted, as with similar factors for residential combustion, that it had not taken abatement techniques into account. Italy had identified flaws in the emissions

⁴ The joint Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) and European Environment Agency (EEA) Guidebook is available at: <http://www.eea.europa.eu/publications/emep-eea-emission-inventory-guidebook-2009>.

factor used for burning of diesel oil (which assumed the presence of HCB as an additive whereas Italy had reported that such an additive had never been used in diesel oil in Italy).

42. Several countries identified measures that had been or would soon be taken to limit emissions and/or revise emissions factors and inventories. Germany, for example, was funding an expert report on HCB and polychlorinated biphenyl (PCB) emissions factors for small combustion plants, while at the same time implementing measures to reduce particulate matter and POPs emissions such as limiting types of fuel and applying emission limit values (ELVs) to eliminate techniques resulting in incomplete combustion.

43. The Committee also noted the small absolute value of the reported emissions in some countries, as well as the large differences in orders of magnitude of similar types of reported emissions. Given the questions about the accuracy of emissions estimates, those numerical analyses heightened the Committee's concerns.

44. The Committee determined that it should collect more information from Croatia, Estonia, Germany, Italy and Latvia, as well as other countries, before making a recommendation for action based on non-compliance. The Committee was particularly concerned that countries should be able to rely on valid and consistent emissions factors in preparing their estimates, and therefore particularly sought information on use and development of emissions factors. The Committee further discussed that, given the number of countries affected by this issue (in that regard, it drew a parallel as well with the case of Denmark), the question of reporting of emissions under the Protocol on POPs might be an appropriate issue for in-depth consideration.

3. Referral by the secretariat concerning compliance by Cyprus with the Protocol on Heavy Metals (mercury) (ref. 8/10)

Background

45. According to the latest submission of emission data received by the secretariat from Cyprus, emissions of mercury (Hg) in Cyprus in 2008 had been 0.18 Mg, which was above the 0.15 Mg that had been reported for the base year 1990. Reported emission levels for the period 2005–2007 had also been at the same level as in 2008.

46. The secretariat had informed Cyprus about its intention to refer the issue to the Implementation Committee and of the opportunity to provide a response, which Cyprus had done. In a subsequent letter, the secretariat had informed Cyprus about the referral of its case, indicating that the issue would be on the agenda of the twenty-sixth session of the Implementation Committee.

Consideration

47. The Committee was grateful to Cyprus for its written submission and carefully considered the information provided. Based on this information the Committee concluded that Cyprus was in non-compliance with its obligation under article 3.1 of the 1998 Protocol on Heavy Metals with regards to mercury emission. The Committee took note that Cyprus expected to reach compliance by 2011 by replacing the current cement production units, which were the main source of mercury emissions, with a new cement plant by the end of 2010. This plant would be equipped with abatement equipment leading to significant reductions of mercury emissions.

4. Referral concerning compliance by Sweden and Hungary with the Protocol on POPs (refs. 4/10 and 9/10)

Background

48. According to the latest submissions of emission data received by the secretariat from Sweden (PAH) and Hungary (HCB), both parties' emissions for 2008 were above the emissions for the base year 1990.

49. Reported PAH emission levels (in Mg) for Sweden for the period 2005–2007 were also above the 1990 level (see table 5 below).

Table 5
PAH emissions, in milligrams

<i>Country</i>	<i>1990</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Sweden	16.8	17.9	18.7	18.5	17.8

50. Reported HCB emission levels (in kg) for Hungary for the period 2005–2007 were also above the 1990 level for the year 2006 (see table 6 below).

Table 6
HCB emissions, in kilograms

<i>Country</i>	<i>1990</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Hungary	6.9	6.1	7.1	6.7	8.6

51. The secretariat had informed both countries about its intention to refer the issue to the Implementation Committee, and of the opportunity to provide a response, which both countries had done. In subsequent letters, the secretariat had informed both countries about the referral of its case, indicating that the issue would be on the agenda of the twenty-sixth session of the Implementation Committee.

Consideration

52. The Committee was grateful to Sweden and Hungary for the information provided. It carefully and individually considered the secretariat's referrals, as well as the information provided by the two parties. Because of similarities in the cases, the Committee decided to address them together at this stage of the process.

53. With respect to Sweden, the Committee noted that increased emissions of PAH were mostly due to the production of primary aluminium in one production plant using the so called "Söderberg"-process in one part of its facilities and contributing to a large proportion of the total national emissions of PAH. The emissions from that plant had unexpectedly increased in the years 2005 to 2008. In late 2008, a conversion of the plant to a different production process had been initiated and, following that, the units using the "Söderberg"-process were shut down. Due to that change, the PAH emissions from that plant could largely be eliminated. Consequently, Sweden expected that its emissions reporting for the year 2009 would show that Sweden had now met its obligations under the 1998 Protocol on POPs regarding PAH emissions.

54. With respect to Hungary, the Committee noted Hungary's assertion that emissions from municipal solid waste incineration should be corrected due to a reconstruction in the incinerator in Budapest whereby bag house filters were installed. Hungary had also pointed

out that HCB emissions from steel production in electric arc furnaces were particularly high in 2008, but that reductions in steel production had occurred in 2009 that had led Hungary to predict its HCB emissions to be below the 1990 base year as from 2009 on.

55. The Committee concluded that Sweden and Hungary had been in non-compliance with their obligations under the Protocol on POPs. It noted, however, that both Sweden and Hungary expected to be in compliance in 2009, but that official emissions data for that year would not be reported until early 2011. Therefore, the Committee requested the secretariat to submit such data to the Committee as soon as they were officially submitted, in order to allow the Committee to assess the effectiveness of the measures taken by Sweden and Hungary to reduce their emissions and to come back into compliance with their obligations under the 1998 Protocol on POPs

56. Based on the above, the Committee decided that recommendations to the Executive Body were at this stage not necessary and that it would continue its consideration of the cases at its twenty-seventh session in 2011.

5. Referral concerning Lithuania's compliance with the Protocol on Heavy Metals (ref. 12/10)

Background

57. According to the latest submission of emission data received by the secretariat from Lithuania, emissions of mercury in Lithuania in 2008 had been 0.27 Mg, which was above the 0.018 Mg that had been reported for the base year 1990. Reported emission levels (in Mg) for the period 2006-2007 were also above the 1990 level (see table 7 below).

Table 7

Mercury emissions, in milligrams

<i>Country</i>	<i>1990</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Lithuania	0.02	0.42	0.43	0.27

58. The information provided suggested that Lithuania was in non-compliance with its obligation under article 3.1 of the Protocol.

59. The secretariat had informed Lithuania about its intention to refer the issue to the Implementation Committee and of the opportunity to provide a response, but had received no reply. In a subsequent letter, the secretariat had informed Lithuania about the referral of its case, indicating that the issue would be on the agenda of the twenty-sixth session of the Implementation Committee. As a response, Lithuania had provided further information.

Consideration

60. The Committee considered the referral. It noted the information informally submitted during its twenty-sixth session suggesting that Lithuania's mercury emissions in the base year were several orders of magnitude larger than had been previously reported. The Committee had questions about those substantial changes and did not have sufficient time to evaluate that new information due to its late submission. It therefore requested the secretariat to invite Lithuania to provide further explanations of that recalculation by 31 March 2011 in order for the Committee to continue its consideration of the case.

6. Referral concerning Norway's compliance with the Protocol on POPs (ref. 13/10)

Background

61. According to the latest submission of emission data that the secretariat received from Norway, emissions of PAH (in kg) for 2008 were above the emissions for the base year 1990. Reported emission levels for the period 2005–2006 were also above the 1990 level:

Table 8

Emissions PAH, in kilograms

<i>Country</i>	<i>1990</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Norway	14.7	14.2	16.0	16.6	13.6	15.4

62. The information provided suggested that Norway was in non-compliance with its obligation under article 3.5 (a) of the Protocol.

63. The secretariat had informed Norway about its intention to refer the issue to the Implementation Committee and of the opportunity to provide a response, which Norway had done. In a subsequent letter, the secretariat had informed Norway about the referral of its case, indicating that the issue would be on the agenda of the twenty-sixth session of the Implementation Committee.

Consideration

64. The Committee was grateful to Norway for the information provided. It noted that there had been some inconsistency in Norway's PAH reporting for aluminium production during the past years. In 2008, Norway had revised the reporting for release of PAH to include both particles and gaseous forms, while only particles had been included earlier. That had resulted in an increase in the reported release of PAH from aluminium production. The data had been corrected only back to 1996, not back to 1990. In its latest communication, dated in August, Norway had committed to carry out, in autumn 2010, a full revision of estimates of PAH releases from aluminium production and, early in 2011, to provide updated figures, also for 1990.

65. The Committee requested the secretariat to provide the data from Norway to the Committee as soon as they were officially submitted, in order to allow the Committee to assess Norway's compliance with the Protocol on POPs.

66. Furthermore, based on the above consideration, the Committee decided that recommendations to the Executive Body were at this stage not necessary and that it would continue its consideration of the case at its twenty-seventh session in 2011.

7. Referral concerning the Republic of Moldova's compliance with the Protocol on POPs (ref. 14/10)

Background

67. According to the latest submission of emission data received by the secretariat from the Republic of Moldova, the emissions of dioxins/furans in the Republic of Moldova in 2008 had been 24 g, which was above the 14 g that had been reported for the base year 1990. Similarly, emissions of PAH in the Republic of Moldova in 2008 were 36 Mg, which was above the 16.7 Mg that had been reported for the base year 1990. That information suggested that the Republic of Moldova was in non-compliance to a significant degree with its obligation under article 3.5 (a) of the Protocol.

68. The secretariat had informed Moldova about its intention to refer the issue to the Implementation Committee and of the opportunity to provide a response, but had received no reply. In a subsequent letter, the secretariat had informed Moldova about the referral of its case, indicating that the issue would be on the agenda of the twenty-sixth session of the Implementation Committee.

Consideration

69. The Committee considered the referral. It noted that it needed more information that either would show that the Republic of Moldova was in fact in compliance with the Protocol on POPs or which detailed the reasons for the Republic of Moldova's possible non-compliance, the measures the Republic of Moldova envisaged taking to come back into compliance and the time by which those measures would become effective. It invited the secretariat to request the Republic of Moldova to provide the necessary information by 31 March 2011 in order for the Committee to continue its consideration of the case.

8. Referral by the secretariat concerning Iceland's compliance with its reporting obligations on POP emissions

Background

70. In its decision 2006/9, the Executive Body had decided that there was no reason for the Implementation Committee to continue to review Iceland's compliance with its obligation under article 3.5 (a) of the Protocol on POPs as initiated by the secretariat's referral in 2006. Iceland had been applying article 3.5 (b) of the Protocol and thus it was, pursuant to article 3.7, exempt from its obligations under article 3.5 (a) of the Protocol.

71. The Committee had agreed, however, that it was crucial to ensure that Iceland continued to fulfil the requirements for the application of article 3.7 in the future. To assess that, it was important that Iceland complied with its reporting obligations under the Protocol. The Committee had therefore requested the secretariat to refer the question of Iceland's compliance back to the Committee if Iceland did not fulfil those reporting obligations.

72. In decision 2009/11, the Executive Body had cautioned Iceland that if it continued to fail to comply with its reporting obligations, its compliance with the Protocol would be reconsidered. Iceland had not submitted its annual emission data for 2008 by the legally binding deadline, upon which the secretariat had referred the question of Iceland's compliance back to the Committee.

73. The Committee had carefully considered the secretariat's referral. The Committee had concluded that it needed further information on the annual PAH emissions in Iceland from the base year up to 2009, including the necessary details to determine whether article 3.7 of the Protocol on POPs would still be applicable to Iceland. It had invited the secretariat to request Iceland to provide that information by 31 March 2011 in order for the Committee to continue its consideration of the case.

9. Recommendation to the Executive Body

74. Based on the above considerations on the referrals by the secretariat, the Implementation Committee recommends to the Executive Body that it adopt the draft decisions contained in ECE/EB.AIR/2010/6.

III. Compliance with reporting obligations

A. Follow-up to Executive Body decisions 2009/11, 2009/12 and 2009/13

75. In its decision 2009/11, the Executive Body had urged Iceland to provide the missing emission data for 2007 and gridded data for 2005 under the Protocol on POPs without delay. It had also cautioned Iceland that if it continued to fail to comply with its reporting obligations, its compliance with the Protocol would be reconsidered. On 20 May 2010, the secretariat had sent a letter to Iceland, informing it that it would refer the case of Iceland's compliance to the Committee at its twenty-sixth session. Iceland had subsequently submitted the missing annual data for 2007 and gridded data for HCB for 2005. Gridded data for 2005 for Dioxins and PAH were still missing.

76. In its decision 2009/12, the Executive Body had urged the Republic of Moldova to provide its missing annual data for 2007 and the gridded data for 2005 under the Protocol on POPs and the Protocol on Heavy Metals without delay. The Executive Body had also urged the Republic of Moldova to provide the responses to the 2010 questionnaire on strategies and policies in a timely manner, since it had not provided the responses to the 2008 questionnaire on strategies and policies. The secretariat informed the Committee that, as of 2 August, the Republic of Moldova had not yet submitted the missing data for 2005 and 2007, although annual emission data for 2008 had been submitted on time, nor had it provided the responses to the 2010 questionnaire on strategies and policies. The Committee noted with regret that the Republic of Moldova had not complied with the requests in decision 2009/12 and thus remained in non-compliance with its reporting obligations.

77. In its decision 2009/13, the Executive Body had urged Estonia, France and Luxembourg to provide missing gridded data. The secretariat had informed the Committee that, as of 2 August, Estonia and France had provided the missing data, but Luxembourg had not done so. The Committee noted with regret that Luxembourg had not complied with the request in decision 2009/13 and thus remained in non-compliance with its emission data reporting obligations.

B. Compliance with emission data reporting obligations

78. As requested by the Executive Body in its workplan for 2010 (item 1.2) (ECE/EB.AIR/99/Add.2), the Committee evaluated compliance with the emission data reporting obligations under the seven Protocols in force. The evaluation covered the completeness and timeliness of reporting, but not its quality. It was based on the data reported up to 2 August 2010. Tables 1–7 included in informal document 2 gave an overview of the emission data reported under the seven Protocols in force in 2008. The overview showed whether the data had been reported for the base year, as necessary, and for the most recent years for which reporting had not been completed (i.e., not a 100 per cent), including national totals and gridded data where applicable.

1. 1985 Sulphur Protocol:⁵ compliance with article 4, concerning reporting of annual emissions

79. Table 1 in informal document 2 gave an overview of emission data reported by the Parties to the 1985 Sulphur Protocol and showed that reporting under the Protocol was not yet complete. Twenty-two of the 23 Parties to which the obligation applied had submitted

⁵ 1994 Protocol on Further Reduction of Sulphur Emissions.

complete emission data for 2008, but no data had been received from Luxembourg. The Committee concluded that, as of 2 August 2010, Luxembourg was not in compliance with the emission data reporting obligations under article 4 of the 1985 Sulphur Protocol.

80. The Committee noted that the former Yugoslav Republic of Macedonia, which had ratified the Protocol in March 2010, had also submitted emission data for 2008.

2. Protocol on Nitrogen Oxides: compliance with article 8, concerning emission data reporting

81. Table 2 in informal document 2 gave an overview of emission data reported by the Parties to the Protocol on NO_x and showed that reporting under the Protocol was not yet complete. Thirty of the 31 Parties to which the reporting obligation applied had submitted complete emission data for 2008, but no data had been received from Luxembourg. The Committee concluded that, as of 2 August 2010, Luxembourg was not in compliance with the emission data reporting obligations under article 8 of the Protocol on NO_x.

82. The Committee noted that Croatia, which had ratified the Protocol in March 2008, and the former Yugoslav Republic of Macedonia, which had ratified the Protocol in March 2010, had also submitted emission data for 2008.

3. Protocol on Volatile Organic Compounds: compliance with article 8.1 concerning emission data reporting

83. Table 3 in informal document 2 gave an overview of the emission data reported by the Parties to the Protocol on VOCs and showed that reporting under the Protocol was not yet complete. Twenty-one of the 22 Parties to which the reporting obligation applied had submitted complete emission data for 2008, but no data had been received from Luxembourg. The Committee concluded that, as of 2 August 2010, Luxembourg was not in compliance with the emission data reporting obligations under article 8.1 of the Protocol on VOCs.

84. The Committee noted that Croatia, which had ratified the Protocol in March 2008, and the former Yugoslav Republic of Macedonia, which had ratified the Protocol in March 2010, had also submitted annual emission data for 2008.

4. 1994 Sulphur Protocol: compliance with articles 5.1 (b) and 5.2 concerning emission data reporting

85. Table 4 in informal document 2 gave an overview of the emission data reported by the Parties to the 1994 Sulphur Protocol (including annual totals and gridded data for Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) Parties for 2000 and 2005) and showed that reporting under the Protocol was not yet complete. Twenty-one of the 27 Parties to which the obligation applied had submitted emission data for 2008 under the Protocol by 15 February 2010, the legally binding deadline. Five Parties had submitted data for 2008 after the legally binding deadline: Canada, Greece, Italy, Liechtenstein and the European Union. No data had been received from Luxembourg.

86. The Committee noted that Croatia, which had ratified the protocol in March 2008, and the former Yugoslav Republic of Macedonia, which had ratified the protocol in March 2010, had also submitted annual emission data for 2008.

87. With the exception of Luxembourg, all Parties to which the obligation applied had submitted gridded data for 2000 and 2005 by 2 August 2010.

88. The Committee concluded that six Parties were not in compliance with their emission reporting obligations under the 1994 Protocol on Sulphur by the legally binding deadline. As of 2 August 2010, Luxembourg remained in non-compliance.

5. Protocol on Persistent Organic Pollutants: compliance with article 9.1 (b) concerning emission data reporting

89. Table 5 in informal document 2 gave an overview of the emission data reported by Parties to the Protocol on POPs and showed that reporting under the Protocol was not yet complete. Twenty-two of the 28 Parties to which the reporting obligation applied had submitted emission data for 2008 for all three of the reported POPs by 15 February 2010, the legally binding deadline. Five Parties had submitted data after the legally binding deadline: Iceland, Italy, Liechtenstein, Lithuania and the European Union. No data for 2008 had been received from Luxembourg. The Republic of Moldova had not yet reported its annual emission data for 2007.

90. The Committee noted that one Party outside the geographic scope of EMEP (Canada) had also submitted annual data on all three POPs.

91. Twenty-two of the 25 Parties to which the obligation applied had submitted gridded data for the three POPs for 2005 by 2 August 2010. One Party (Iceland) submitted gridded data for 2005 for HCB, but not for PAH and dioxins. Two Parties (Luxembourg and the Republic of Moldova) have not yet submitted any gridded data for 2005.

92. The Committee concluded that six Parties were not in compliance with their emission reporting obligations under the Protocol on POPs by the legally binding deadline for annual emission data for 2008. As of 2 August 2010, Luxembourg remained in non-compliance. Three Parties, Iceland, Luxembourg and the Republic of Moldova, remained in non-compliance for gridded data for 2005. The Republic of Moldova also remained in non-compliance for annual emission data for 2007.

6. Protocol on Heavy Metals: compliance with article 7.1 (b) concerning emission data reporting

93. Table 6 in informal document 2 gave an overview of emission data reported by the Parties to the Protocol on Heavy Metals and showed that reporting under the Protocol was not yet complete. Twenty-three of the 27 Parties to which the reporting obligation applied had submitted complete emission data for 2008 by 15 February 2010, the legally binding deadline. Three Parties had submitted data after the deadline: Liechtenstein, Lithuania and the European Union. No data had been received from Luxembourg. The Republic of Moldova had not yet reported its annual emission data for 2007.

94. The Committee noted that one Party outside the geographic scope of EMEP (Canada) had also submitted annual data.

95. Twenty-two of the 24 Parties to which the obligation applied had submitted gridded data for heavy metals for 2005 by 2 August 2010. Luxembourg and the Republic of Moldova had not yet submitted any gridded data for 2005.

96. The Committee concluded that four Parties were not in compliance with their emission reporting obligations under the Protocol on Heavy Metals by the legally binding deadline for annual emission data for 2008. As of 2 August 2010, Luxembourg remained in non-compliance. Two Parties, Luxembourg and the Republic of Moldova, remained in non-compliance for gridded data for 2005. The Republic of Moldova also remained in non-compliance for annual emission data for 2007.

7. Gothenburg Protocol: compliance with article 7.1 (b) concerning emission data reporting on sulphur, nitrogen oxides, ammonia and volatile organic compounds

97. Table 7 in informal document 2 gave an overview of emission data reported by the Parties to the Gothenburg Protocol and showed that reporting under the Protocol was not yet complete. Twenty of the 23 Parties to whom the reporting obligation applied had submitted complete emission data for 2008 by 15 February 2010, the legally binding deadline. Lithuania and the European Union had submitted complete data for 2008 after the deadline. No data had been received from Luxembourg.

98. The Committee noted that one Party outside the geographic scope of EMEP (the United States) had also submitted annual data by the deadline of 15 February 2010. It also noted that Croatia, which had ratified the Protocol in March 2008, had also submitted annual emission data for 2008 (on 24 February 2010).

99. Nineteen of the 20 Parties to which the obligation applied had submitted gridded data for 2005 for the pollutants covered by the Gothenburg Protocol by 2 August 2010. Luxembourg had not yet submitted any gridded data for 2005.

100. The Committee concluded that three Parties were not in compliance with their emission reporting obligations by the legally binding deadline. As of 2 August 2010, Luxembourg remained in non-compliance for its annual emission data for 2008 and its gridded data for 2005.

8. Conclusions

101. Three Parties have not yet fully complied with their emission reporting obligations through the 2008 reporting year: Iceland, Luxembourg and the Republic of Moldova.

C. Compliance by Parties with their obligations to report on strategies and policies for air pollution abatement

102. As requested by the Executive Body in its workplan for 2010 (item 1.2) (ECE/EB.AIR/99/Add.2), the Committee evaluated compliance with the reporting obligations under the seven Protocols in force relating to strategies and policies, including technology-related reporting obligations. This evaluation was made on the basis of the replies by Parties to the 2010 questionnaire on strategies and policies as reported by the secretariat. Table 8 in informal document 2 provided an overview of reporting up to 28 July by Parties to the Protocols that were in force. The former Yugoslav Republic of Macedonia had acceded to four protocols on 10 March 2010, but the Protocols had entered into force for it after the reporting deadline. No Party had provided the information required under the Protocols outside the framework of the questionnaire.

103. It should be noted that, as in previous years, the Committee only considered timeliness and completeness of Parties' replies to the most recent questionnaire, not the quality or the adequacy of the answers.

1. 1985 Sulphur Protocol: compliance with article 6, concerning reporting on national programmes, policies and strategies

104. Twenty of the 24 Parties to the 1985 Sulphur Protocol to which the obligation applied had replied to the section of the questionnaire relating to the Protocol (question 1). Cyprus, Slovenia and the United Kingdom had also replied to that section, although they were not Parties to the Protocol. Four Parties (Albania, France, Lithuania, and Luxembourg) had not replied to the questionnaire and therefore were not in compliance with their reporting obligations under article 6 of the 1985 Sulphur Protocol.

2. 1988 Nitrogen Oxides Protocol: compliance with article 8.1 (a)–(f), concerning information exchange and annual reporting

105. Twenty-two of the 33 Parties to the 1988 NO_x Protocol to which the obligation applied had replied to all the questions in the section relating to the Protocol (questions 2–6). Four Parties had not replied to all questions: Bulgaria to question 5, Estonia to question 3, the Russian Federation to question 4 and the United Kingdom to question 5. Seven Parties (Albania, France, Greece, Ireland, Lithuania, Luxembourg, and European Union) had not replied to the questionnaire. Eleven Parties therefore were not in compliance with their reporting obligations under article 8 of the NO_x Protocol.

3. 1991 VOCs Protocol: compliance with article 8.1 and 8.2, concerning information exchange and annual reporting

106. Seventeen of the 23 Parties to the VOCs Protocol to which the obligation applied had replied to all questions in the section relating to this Protocol (questions 7–12). Belarus, Canada, Cyprus, and Ukraine had also replied to questions in that section, although they were not Parties to the Protocol. Two Parties had not replied to all questions: Bulgaria to question 12 and the United Kingdom to question 12. Four Parties (France, Lithuania, Luxembourg and Monaco) had not replied to the questionnaire. Six Parties therefore were not in compliance with their reporting obligations under the Protocol.

4. 1994 Sulphur Protocol: compliance with article 5.1 (a) and 5.1 (c), concerning reporting

107. Eighteen of the 28 Parties to the 1994 Sulphur Protocol to which the obligation applied had replied to all questions in the section relating to this Protocol (questions 13–17). Ukraine had also replied to questions in that section, although it was not a Party to the Protocol. Three Parties had not replied to all questions: Bulgaria to question 17, the Czech Republic to question 17, and the United Kingdom to question 17. Seven Parties (France, Greece, Ireland, Lithuania, Luxembourg, Monaco and the European Union) had not replied to the questionnaire. Ten Parties therefore were not in compliance with their reporting obligations under the Protocol.

5. 1998 Protocol on Persistent Organic Pollutants: compliance with article 9.1 (a) concerning reporting

108. Nineteen of the 29 Parties to the Protocol on POPs had replied to all the mandatory questions in the section relating to this Protocol (questions 18–31). Belarus and Ukraine had also replied to questions in that section, although they were not Parties to the Protocol. Four Parties had not replied to all mandatory questions: the Czech Republic to questions 19, 22, 27 and 31, Iceland to questions 19 and 30, Romania to questions 27 and 31 and the United Kingdom to questions 19, 27, 30 and 31. Six Parties (France, Latvia, Lithuania, Luxembourg, the Republic of Moldova and the European Union) had not replied to the questionnaire. Ten Parties therefore were not in compliance with their reporting obligations under the Protocol.

6. 1998 Protocol on Heavy Metals: compliance with article 7.1 (a), concerning reporting

109. Nineteen of the 29 Parties to the Protocol on Heavy Metals had replied to all mandatory questions in the section relating to the Protocol (questions 32–38). Ukraine had also replied to questions in that section, although it was not a Party to the Protocol. Three Parties had not replied to all mandatory questions: the Czech Republic to question 34, Romania to question 34 and the United Kingdom to question 34. Seven Parties (France, Latvia, Lithuania, Luxembourg, Monaco, the Republic of Moldova and the European

Union) had not replied to the questionnaire. Ten Parties therefore were not in compliance with their reporting obligations under the Protocol.

7. 1999 Gothenburg Protocol: compliance with article 7, paragraph 1 (a), concerning reporting

110. Eleven of the 25 Parties to the Gothenburg Protocol had replied to all questions in the section relating to this Protocol (questions 39–66). Five Parties (Belarus, Canada, Estonia, Italy and Ukraine) had also provided replies to questions in this section, although they were not Parties to the Protocol. Nine Parties had not replied to all mandatory questions: Bulgaria to questions 51–58, Croatia to questions 64–66, the Czech Republic to questions 47, 48 and 56–58, Hungary to questions 40, 41 and 44–46, Portugal to questions 40, 41, 44, 45, 46–48, 50–58 and 64, Romania to questions 44, 45, 52–55, 57 and 58, Spain to question 50, Switzerland to question 46 and the United Kingdom to questions 45–48 and 51–58. Five Parties (France, Latvia, Lithuania, Luxembourg and the European Union) had not replied to the questionnaire. Fourteen Parties therefore were not in compliance with their reporting obligations under the Protocol.

8. Conclusion

111. Twenty-two Parties were, as of 28 July 2010, not in compliance with all their reporting obligations under the seven Protocols.

D. Recommendations to the Executive Body

112. In view of the fact that certain Parties have not complied with their reporting obligations, the Committee recommends that the Executive Body adopt the draft decisions as contained in document ECE/EB.AIR/2010/6.

IV. In-depth review of compliance by Parties with Protocols

113. The Committee discussed the methodology and timing for carrying out in-depth reviews of implementation of the Convention's Protocols in the future and considered the following:

(a) It would be useful for further reviews to focus on specific issues and obligations, instead of overall protocol reviews;

(b) One of the issues identified as useful for further consideration was the reporting under the POPs Protocol; and

(c) Synergies could be sought with other review processes carried out under the Convention, such as the stage-3 in-depth review of emission inventory data.

114. The Committee agreed to continue its discussion on this issue as needed. It also agreed to more carefully review the reporting under the POPs Protocol in the context of specific referrals.

V. Further work

115. The Implementation Committee considered and approved its draft workplan for 2011 as presented in document ECE/EB.AIR/2010/5, item 1.2, with the following amendments:

(a) Under main activities and time schedule, amend the fourth and fifth sentences to read: “It **may** continue to consider the methodology and timing for carrying out in-depth reviews of implementation of the protocols in the future and **more carefully review the reporting under the POPs Protocol in the context of specific referrals**. The Committee will **seek to improve** its dialogue with appropriate bodies and experts”;

(b) The twenty-ninth session of the Implementation Committee would tentatively be held on the second week of May 2011 (venue to be specified) and the thirtieth session from 13 to 15 September (instead of from 5 to 7 September) 2011.
